

SB2254



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

SB2254

Introduced 1/27/2016, by Sen. Napoleon Harris, III

SYNOPSIS AS INTRODUCED:

10 ILCS 5/2A-1 from Ch. 46, par. 2A-1
10 ILCS 5/Art. 25.5 heading new
10 ILCS 5/25.5-5 new
10 ILCS 5/25.5-10 new
10 ILCS 5/25.5-15 new
10 ILCS 5/25.5-20 new
10 ILCS 5/25.5-25 new
10 ILCS 5/25.5-30 new
10 ILCS 5/25.5-40 new

Amends the Election Code to provide for the recall of local elected officials. Effective immediately.

LRB099 16472 MGM 40807 b

FISCAL NOTE ACT
MAY APPLY

STATE MANDATES
ACT MAY REQUIRE
REIMBURSEMENT

A BILL FOR

1 AN ACT concerning elections.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Election Code is amended by changing Section
5 2A-1 and adding Article 25.5 as follows:

6 (10 ILCS 5/2A-1) (from Ch. 46, par. 2A-1)

7 (Text of Section WITH the changes made by P.A. 89-719,
8 which has been held unconstitutional)

9 Sec. 2A-1. All Elections - Governed by this Code -
10 Construction of Article 2A.

11 (a) No public question may be submitted to any voters in
12 this State, nor may any person be nominated for public office
13 or elected to public or political party office or removed from
14 office in a recall election in this State except pursuant to
15 this Code, notwithstanding the provisions of any other statute
16 or municipal charter. However, this Code shall not apply to
17 elections for officers or public questions of local school
18 councils established pursuant to Chapter 34 of the School Code,
19 soil and water conservation districts or drainage districts,
20 except as specifically made applicable by another statute.

21 (b) All elections in this State shall be held in accordance
22 with the consolidated schedule of elections established in
23 Sections 2A-1.1 and 2A-1.2. No election may be held on any date

1 other than a date on which an election is scheduled under
2 Section 2A-1.1, except special elections to fill congressional
3 vacancies held pursuant to writs of election issued by the
4 Governor, judicial elections to fill vacancies in the office of
5 Supreme Court Judge held pursuant to writs of election issued
6 by the Governor under subsection (a-5) of Section 2A-9,
7 township referenda and votes of the town electors held at the
8 annual town meeting, emergency referenda approved pursuant to
9 Section 2A-1.4, special elections held between January 1, 1995
10 and July 1, 1995 under Section 34-53 of the School Code, and
11 city, village or incorporated town primary elections in
12 even-numbered years expressly authorized in this Article to
13 provide for annual partisan elections.

14 (c) At the respective elections established in Section
15 2A-1.1, candidates shall be elected to office, nominated for
16 election thereto or placed on the ballot as otherwise required
17 by this Code, and public questions may be submitted, as
18 specified in Section 2A-1.2.

19 (d) If the requirements of Section 2A-1.2 conflict with any
20 specific provision of Sections 2A-2 through 2A-54, as applied
21 to any office or election, the requirements of Section 2A-1.2
22 prevail, and shall be enforced by the State Board of Elections.

23 (e) In the event any court of competent jurisdiction
24 declares an election void, the court may order another election
25 without regard to the schedule of elections set forth in this
26 Article.

1 (Source: P.A. 89-719, eff. 3-7-97.)

2 (Text of Section WITHOUT the changes made by P.A. 89-719,
3 which has been held unconstitutional)

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19 other than a date on which an election is scheduled under
20 Section 2A-1.1, except special elections to fill congressional
21 vacancies held pursuant to writs of election issued by the
22 Governor, township referenda and votes of the town electors
23 held at the annual town meeting, emergency referenda approved
24 pursuant to Section 2A-1.4, special elections held between
25 January 1, 1995 and July 1, 1995 under Section 34-53 of the

1 School Code, and city, village or incorporated town primary
2 elections in even-numbered years expressly authorized in this
3 Article to provide for annual partisan elections.

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10 specific provision of Sections 2A-2 through 2A-54, as applied
11 to any office or election, the requirements of Section 2A-1.2
12 prevail, and shall be enforced by the State Board of Elections.

13 (e) In the event any court of competent jurisdiction
14 declares an election void, the court may order another election
15 without regard to the schedule of elections set forth in this
16 Article.

17 (Source: P.A. 88-511.)

18 (10 ILCS 5/Art. 25.5 heading new)

19 ARTICLE 25.5. RECALL OF LOCAL ELECTED OFFICIALS

20 (10 ILCS 5/25.5-5 new)

21 Sec. 25.5-5. Definitions. For the purposes of this
22 Article:

23 "Appropriate election official" means the State Board of
24 Elections in the case of recall of an official elected from a

1 district that is comprised of more than one county, or is
2 partly in one county and partly in another county or counties;
3 the county clerk in the case of recall of an official elected
4 to a county office, trustee of a sanitary district, or member
5 of a school district board; or the local election official in
6 the case of recall of an official elected to a municipal or
7 township office, other than a municipal or township office
8 where the municipality's or township's boundaries are
9 co-extensive with or are entirely within the jurisdiction of a
10 municipal board of election commissioners, in which case the
11 "appropriate election official" means the municipal board of
12 election commissioners.

13 "Local elected official" means any official elected to an
14 office of a unit of local government or a school district.

15 (10 ILCS 5/25.5-10 new)

16 Sec. 25.5-10. Removal of local elected official. Every
17 incumbent local elected official who has been elected to an
18 office that has a term of 2 years or more is subject to removal
19 by the electors qualified to vote for that official. However, a
20 local official who has less than 9 months remaining in his or
21 her term may not be recalled under this Article.

22 (10 ILCS 5/25.5-15 new)

23 Sec. 25.5-15. Petition; form. A petition, signed by a
24 number of electors equal in number to at least 15% of the total

1 votes cast for Governor in the preceding gubernatorial election
2 in the unit of local government from which the removal of the
3 local elected official is sought, shall be filed with the
4 appropriate election official at least 61 days before the next
5 regularly scheduled election under this Code and shall be
6 certified within one day after receipt of the petition. The
7 petition shall demand an election on the question of whether
8 the named incumbent local elected official shall be removed
9 from office with the election to be held at the next regularly
10 scheduled election. A petition must be signed by the
11 petitioning electors not more than 120 days after an affidavit
12 has been filed with the appropriate election official providing
13 notice of intent to circulate a petition to recall the local
14 elected official. The affidavit may be filed no sooner than 3
15 months after the beginning of the local elected official's term
16 of office. The affidavit must be signed by the proponent of the
17 recall petition and at least 4 elected officials who represent
18 at least 25% the same electors who are represented by the local
19 elected official for which recall is sought.

20 The petition shall be substantially in the following form:

21 "To the (appropriate election official):

22 We, the undersigned electors of (unit or district),
23 entitled to vote for (name of person) demand an election on the
24 question of removal from office of (name of person).

25 Name House Number Street Date of

1 elected official whose removal is sought, and opposite the
2 signature of each signer, his or her residence address shall be
3 written or printed. The residence address required to be
4 written or printed opposite each qualified elector's name shall
5 include the street address or rural route number of the signer,
6 as the case may be, as well as the signer's city, village, or
7 town. The county or city, village, or town, and state of
8 residence of the electors, however, may be printed on the
9 petition forms when all of the electors signing the petition
10 reside in the same county or city, village, or town, and state.
11 Standard abbreviations may be used in writing the residence
12 address, including street number, if any.

13 A signature shall not be valid unless the requirements of
14 this Section are complied with and unless the date of signing
15 is less than 120 days preceding the date of filing the
16 petition.

17 At the bottom of each sheet shall be added the affidavit in
18 the form specified in Section 25.5-15 signed by a qualified
19 voter of the unit of local government entitled to vote for
20 removal of the local elected official in which the signers of
21 the sheet reside; certifying that the signatures on that sheet
22 of the petition were signed in his or her presence; and either
23 (i) indicating the dates on which that sheet was circulated,
24 (ii) indicating the first and last dates on which that sheet
25 was circulated, or (iii) certifying that none of the signatures
26 on the sheet were signed more than 120 days preceding the last

1 day for the filing of the petition; certifying that the
2 signatures on the sheet are genuine; and certifying that to the
3 best of his or her knowledge and belief the persons so signing
4 were at the time of signing the petitions qualified voters of
5 the unit of local government entitled to vote for the office
6 held by the local elected official whose removal is being
7 sought. This affidavit shall be sworn to before an officer who
8 is qualified to administer oaths.

9 The petition, so verified, or a copy of the petition duly
10 certified by the proper persons, shall be prima facie evidence
11 that the signatures, statement of residence, and dates upon the
12 petition are genuine and true and that the persons signing the
13 petition are electors qualified to vote for the office subject
14 to removal under this Article.

15 The person circulating the petition, or the candidate on
16 whose behalf the petition is circulated, may strike any
17 signature from the petition, if:

18 (i) the person striking the signature initials the
19 petition at the place where the signature is struck; and

20 (ii) the person striking the signature signs a
21 certification listing the page number and line number of
22 each signature struck from the petition.

23 The certification shall be filed as a part of the petition.

24 The sheets, before being filed, shall be neatly fastened
25 together in book form by placing the sheets in a pile and
26 fastening them together at one edge in a secure and suitable

1 manner, and the sheets shall then be numbered consecutively.
2 The sheets shall not be fastened by pasting them together end
3 to end, so as to form a continuous strip or roll. All petition
4 sheets that are filed with the appropriate election official
5 shall be the original sheets that have been signed by the
6 voters and by the circulator of the sheet, and not photocopies
7 or duplicates of those sheets.

8 The petitions, when filed, may not be withdrawn or added
9 to, and no signature shall be revoked except by revocation
10 filed in writing with the appropriate election official with
11 whom the petition is required to be filed before the filing of
12 the petition. Whoever forges the name of a signer upon any
13 petition required by this Article is deemed guilty of a forgery
14 and on conviction shall be punished accordingly.

15 (10 ILCS 5/25.5-25 new)

16 Sec. 25.5-25. Objections to petitions. The provisions of
17 Sections 10-8 through 10-10.1 of the Election Code relating to
18 objections to nominating petitions, hearing on objections, and
19 judicial review, shall apply to and govern, insofar as may be
20 practical, objections to petitions for the submission of
21 questions of recall under this Article.

22 The electoral board to hear and pass on objections shall be
23 the electoral board specified in Section 10-9 to have
24 jurisdiction over objections to the nominating petitions of
25 candidates for offices in which the question of recall is

1 proposed to be submitted to the electors.

2 (10 ILCS 5/25.5-30 new)

3 Sec. 25.5-30. Election on the question. If no objections
4 to a petition are filed within 5 business days after the
5 petition is submitted to the appropriate election official, or
6 if objections are filed and the electoral board specified in
7 Section 25.5-25 rules the petition sufficient, then
8 immediately after the expiration of this 5-day period, or
9 immediately after the receipt by the appropriate election
10 official with whom the petition was originally filed, or from
11 the electoral board of the petition and the certified copy of
12 the electoral board's ruling declaring the petition
13 sufficient, as the case may be, the appropriate election
14 official with whom the petition was originally filed shall
15 submit the petition without delay to the election authority or
16 election authorities within the election jurisdiction or
17 election jurisdictions where the local elected official is
18 subject to recall, and the election authority or election
19 authorities shall order the election demanded in the petition
20 to be held at the next regular election or municipal election
21 78 days after the filing of the petition. This election shall
22 be conducted, returned, and the results declared in all
23 respects the same as in other elections under the general
24 election law.

25 If at the election on the question of removal at least a

1 majority of those voting on the question vote in favor of
2 removal, the local elected official is by operation of law
3 removed from office and a vacancy exists in the office subject
4 to removal. The vacancy shall be filled in the manner
5 prescribed for filling vacancies in that office in other cases.

6 (10 ILCS 5/25.5-40 new)

7 Sec. 25.5-40. Prohibition against future election or
8 appointment. A local elected official who has been removed from
9 office, or who has resigned from office while removal
10 proceedings were pending against that local elected official,
11 shall not be appointed or elected to the same office within one
12 year after the removal or resignation. Not more than one
13 election for the recall of the same local elected official
14 shall be held during the same term of office.

15 Section 99. Effective date. This Act takes effect upon
16 becoming law.